

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14th STREET, N.W., SUITE 433
WASHINGTON, D.C. 20009
Telephone: (202) 671-0547
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IN THE MATTER OF

Anderson for Ward 4 Council
Treasurer Acquetta Anderson
7247 15th Place, NW
Washington, D.C. 20012

) Date: December 30, 2015
)
) Docket No: 15C-086
)
)
)

ORDER

Statement of Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Public Information and Records Management Division (“PIRM”) that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.09(b) (2012) and District of Columbia Municipal Regulations, 3 DCMR § 3017.2 (August 2013), Treasurer, Acquetta Anderson of the Anderson for Ward 4 Council principal campaign committee failed to timely file the October 10th Report of Receipts and Expenditures (“R&E report”), which was due by October 13, 2015.

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 10, 2015, OCF ordered Acquetta Anderson (“Respondent”), to appear at a scheduled hearing on November 23, 2015, and show cause why she should not be found in violation of D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2 and fined accordingly.

Summary of Evidence

On November 23, 2015, Respondent appeared at the scheduled hearing *pro se*. Legal Instruments Examiner, Ms. Laura McQueen appeared on behalf of the OCF. Ms. McQueen testified that Respondent failed to timely file the October 10th R&E report, which was due on October 13, 2015, in accordance with D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3017.2.

Respondent conceded the fact that the Committee’s October 10th R&E report was not filed with OCF. Respondent testified that she was unable to timely file the October 10th R&E report due to dealing with a medical emergency along with other personal matters. Respondent testified that December 10, 2015 would be the earliest that she could file the October 10th R&E report.

Respondent subsequently filed the October 10th R&E report on December 10, 2015. The Anderson for Ward 4 Council is now in compliance with the D.C. Official Code.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is the Treasurer for the Anderson for Ward 4 Council principal campaign committee.
2. The Committee was required to file the October 10th R&E report by the OCF sanctioned deadline of October 13, 2015.
3. The Committee failed to timely file the October 10th R&E report by the OCF sanctioned deadline.
4. By Notice of Hearing, Statement of Violations and Order of Appearance dated November 10, 2015, OCF ordered Respondent to appear for a scheduled hearing on November 23, 2015.
5. Respondent appeared before OCF at the November 23, 2015 hearing.
6. Respondent was untimely in filing the R&E report due to having suffered from a serious medical condition.
7. Respondent filed the October 10th R&E report at her earliest convenience which was on December 10, 2015.
8. The Committee is currently in compliance with applicable regulation(s).

Conclusion of Law

Based upon the record provided by OCF, I therefore conclude:

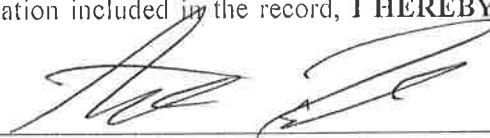
1. The Committee violated D.C. Official Code § 1-1163.09(b) and 3 DCMR § 3403.2.
2. The penalty established by 3 DCMR § 3711.2(f) for failure to file a Report of Receipts and Expenditures with OCF, as required by D.C. Official Code § 1-1163.09(b), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. Under the given facts, the Committee may be fined a total of \$1,400.00.
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent provided a credible explanation for the Committee's failure to timely file the October 10th R&E report, in that Respondent was untimely in filing the R&E reports due to having suffered from a serious medical condition.
6. Respondent filed the October 10th R&E report at her earliest convenience which was on December 10, 2015.
7. Respondent's explanation for failure to timely file the required R&E report constitutes good cause for suspension of a fine.

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Recommendation

In view of the foregoing and information included in the record, I HEREBY RECOMMEND that the Director suspend a fine in this matter.

December 30, 2015
Date


Austin Franklin
Hearing Examiner

Concurrence

In view of the foregoing, I HEREBY CONCUR with the Recommendation.

December 30, 2015
Date


William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

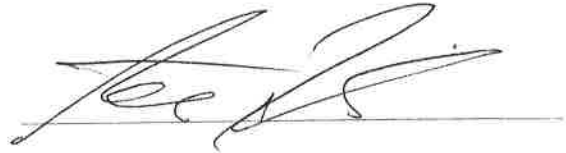
IT IS ORDERED that the fine in this matter is hereby suspended.

December 30, 2015
Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the ORDER has been served on Treasurer Acunetta Anderson, via regular mail at P.O. Box 70663, Washington, D.C. 20024 on this 30th day of December, 2015.

A handwritten signature in black ink, appearing to be "A. D.", is written over a horizontal line.

Notice

Any party adversely affected by an Order of the Director may: (1) file a Motion for Reconsideration (Motion) with the OCF within five (5) days after receipt of an Order, provided that, relevant evidence was omitted from consideration at the hearing (3 DCMR §3709.13); or (2) obtain review of the Order by filing a request for a **hearing de novo** with the Board of Elections within fifteen (15) days from the date of issuance of an Order. Any fine imposed by the Director, pursuant to §3711.2 shall become effective on the sixteenth (16th) day following the issuance of a decision or Order; provided that, the Respondent does not request a **hearing de novo** with the Board of Elections. Fines imposed shall be paid within ten (10) days of the effective date of the issued Order of the Director. Make payment by check or money order, payable to: District of Columbia Treasurer. Send payment to the *Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14th Street NW, Suite 433, Washington, DC 20009.*